

REMARKS

Claims 1-15 remain pending in this application. Claims 1-15 are rejected. Claims 1-3, 6-8, 10 and 15 are amended herein to express the invention in alternative wording and to address matters of form unrelated to substantive patentability issues.

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on January 12, 2009, and extend their thanks to the Examiner and his Supervisor for their time and consideration.

Agreement was reached on all points discussed, as indicated below in the remarks relating to the various rejections, and which applicant's counsel believe reflect all understandings had during the course of the above referenced interview.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims. It is stated that the drawings do not show the "arc protruding toward a center of said opening" according to claims 6 and 7. Agreement was reached during the interview conducted on January 12, 2006, that reference numeral 38 and 638 shown in Figs. 5 and 21, respectively, adequately reflect the claim recitation directed to this claimed feature, which is described at the last full paragraph on page 14 and the paragraph bridging pages 34 and 35). Thus, reconsideration of the objection to the drawings and withdrawal thereof are earnestly solicited.

Claims 6, 7 and 10 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of an informality stated in the Office Action. Applicant respectfully traverses this rejection. With regard to claims 6 and 7, as was pointed out to the Examiner by the Examiner's Supervisor (who was in agreement with arguments presented by applicant's counsel), the comprising language of the claims properly allows claiming of the arcuate portion protruding toward a center of the opening irrespective of any forward protrusion of the thick part. Regarding claim 10, the claim is revised herein to recite the subject matter in more "static" terms to address the Examiner's concerns, in the manner as discussed during the interview. Therefore, reconsideration of the rejection of the claims and their allowance are earnestly requested.

Claims 1 and 10-14 are rejected under 35 U.S.C. §102(b) as being anticipated by the Tisbo et al. reference (US 5,988,552). Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Claim 1 is amended herein to specify that the opening of the guide part is widest at a lowermost portion thereof. It was agreed during the interview that such recitation overcomes the present rejection.

Regarding independent claim 10, a recitation that the inlet/outlet for the hose is disposed in a fixed position in the frame opposite a winding position between the two collars of said drum, which was agreed effectively overcomes the present rejection.

In view of the above, it is respectfully submitted that claims 1 and 10-14 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1 and 10-14 and their allowance are respectfully requested.

Claim 2 is rejected under 35 U.S.C. §102(b) as being anticipated by the Kawabe reference (US 4,334,670). Applicant herein respectfully traverses this rejection.

Claim 2 is amended to recite in pertinent part the following:

an inclined part including a pair of inclined
portions extending inward with an inclination toward
a central part and set on said restrictive part to define
a spacing therebetween such that a separation distance
between said pair of inclined portions is greatest at a

base thereof, an angle of inclination in the inclined part being not less than 45 degrees and less than 90 degrees, said pair of inclined portions being in a fixed orientation relative to an axial positioning of said drum.

No such configuration is taught by Kawabe, which instead teaches an axially movable shifter to which a guide is mounted.

In view of the above, it is respectfully submitted that claim 2 particularly describes and distinctly claim at least one element not disclosed in the cited reference. Therefore, reconsideration of the rejection of claim 2 and its allowance are respectfully requested.

Claim 8 is rejected under 35 U.S.C. §102(b) as being anticipated by the Bantaculo reference (US 5,560,391). Applicant herein respectfully traverses this rejection.

It was agreed during the interview that amendment of the claim to replace "opposed" to "opposite" would provide clearer meaning, and would successfully overcome this rejection. The claim is so amended, and particularly describes and distinctly claims at least one element not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1 and 10-14 and their allowance are respectfully requested..

Claims 10-11 are rejected under 35 U.S.C. §102(b) as being anticipated by the Whitehead et al. reference (US 6,050,291). Applicant herein respectfully traverses this rejection.

It was pointed out during the interview that a recitation stating that a “complete width extent . . . is maintained positionally between said two collars,” was admitted as lacking in the cited reference by the Examiner (see last line of paragraph 17 on page 9 of the Office Action). The claim is amended to reflect this distinction, and it was agreed that such amendment would overcome the rejection.

In view of the above, it is respectfully submitted that claims 10 and 11 (dependent from claim 10, and therefor also including this limitation lacking in Whitehead et al.) particularly describe and distinctly claim elements not disclosed in the respective cited reference. Therefore, reconsideration of the rejections of claims 10 and 11 and their allowance are respectfully requested.

Before addressing the obviousness rejections below, the applicant notes that the substance of the interview was not directed specifically to the numerous Section 103 rejections, as it was believed, and communicated to the Examiner and his Supervisor at the time, that each of the secondary and further references failed to adequately supplement the primary references as applied in making the anticipation references relative to the claims being further rejected under combinations or their parent claims rejected as anticipated.

Claim 1 is rejected under 35 U.S.C. §103(a) as obvious over the Whitehead et al. reference in view of the Smith reference (US 6,467,499). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that neither Whitehead nor Smith teaches a “guide part presenting an opening having a width which decreases toward an upper portion of the guide part, said opening of said guide part being widest at a lowermost portion thereof.”

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1-2, 12 and 14 and their allowance are respectfully requested.

Claims 2, 3, 6 and 7 are rejected under 35 U.S.C. §103(a) as obvious over the Whitehead et al. reference in view of the Smith reference (US 6,467,499), and further in view of Fritsch (US 3,776,262) and Nelson (US 4,974,627). The applicant herein respectfully traverses this rejection.

Each of independent claims 2, 3, 6 and 7 respectively recites that “a separation distance between said pair of inclined portions is greatest at a base thereof” or “said arc shape being widest at a lowermost position thereof”, which alternative features are not taught by any of the cited references comprising the proffered combination.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2, 3, 6 and 7 and their allowance are respectfully requested.

Claims 3-5 are rejected under 35 U.S.C. §103(a) as obvious over the Yacobi et al. reference (US 6,050,290) in view of the Fritsch reference (US 3,776,262) and further in view of the Kawabe reference (US 4,334,670). The applicant herein respectfully traverses this rejection.

Independent claim 3 recites “said arc shape being widest at a lowermost position thereof.” Applicant respectfully submits that this feature is not taught by any of the cited references comprising the proffered combination.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 3-5 and their allowance are respectfully requested.

Claim 6 is rejected under 35 U.S.C. §103(a) as obvious over the Tisbo et al. reference (US 5,988,552) in view of the Fritsch reference (US 3,776,262) and further in view of the Nelson reference (US 4,974,627). The applicant herein respectfully traverses this rejection.

Claim 6 recites “said arc shape being widest at a lowermost position thereof.” Applicant respectfully submits that this feature is not taught by any of the cited references comprising the proffered combination.

Thus, it is respectfully submitted that the rejected claim is not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of claim 6 and its allowance are respectfully requested.

Claim 7 is rejected under 35 U.S.C. §103(a) as obvious over the Tisbo et al. reference (US 5,988,552) in view of the Nelson reference (US 4,974,627). The applicant herein respectfully traverses this rejection.

Claim 7 recites “said arc shape being widest at a lowermost position thereof.” Applicant respectfully submits that this feature is not taught by any of the cited references comprising the proffered combination.

Thus, it is respectfully submitted that the rejected claim is not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of claim 7 and its allowance are respectfully requested.

Claim 8 is rejected under 35 U.S.C. §103(a) as obvious over the Whitehead et al. reference in view of the Bantaculo reference (US 5,560,391). The applicant herein respectfully traverses this rejection.

Claim 8 recites the “hose being free of contact with rotational structure at a circumferential location of said hose opposite to a support location of said hose by said rotational member,” a feature not believed taught or suggested by either cited reference.

Thus, it is respectfully submitted that the rejected claim is not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of claim 8 and its allowance are respectfully requested.

Claims 9/1, 9/7 and 9/14 is rejected under 35 U.S.C. §103(a) as obvious over the Tisbo et al. reference (US 5,988,552) in view of the Morse reference (US D088,666)). Claim 9/2 is rejected under 35 U.S.C. §103(a) as obvious over the Kawabe reference (US 4,334,670) in view of the Morse reference (US D088,666)). Claim 9/8 is rejected under 35 U.S.C. §103(a) as obvious over the Bantaculo reference (US 5,560,391) in view of the Morse reference (US D088,666)). The applicant herein respectfully traverses this rejection. Claims 9/3, 9/4 and 9/5 are rejected under 35 U.S.C. §103(a) as obvious over the Yacobi et al. reference (US 6,050,290) in view of the Fritsch reference (US 3,776,262) in further view of the Kawabe reference (US 4,334,670) and the Morse reference (US D088,666)). The applicant herein respectfully traverses this rejection. Claims 9/6 is rejected under 35 U.S.C. §103(a) as obvious over the Tisbo et al. reference (US 5,988,552) in view of the Fritsch reference (US 3,776,262) in further view of the Morse reference (US D088,666)). The applicant herein respectfully traverses these rejections.

Claim 9 depends alternatively from claims 1-8. Applicant respectfully submits that none of the various combinations teach or suggest the features already discussed above with regard to the rejections of those base claims.

Thus, it is respectfully submitted that the rejected claim (claim 9 in all its dependent forms) is not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of claim 9 and its allowance are respectfully requested.

Claim 15 is rejected under 35 U.S.C. §103(a) as obvious over the Whitehead et al. reference (US 6,050,291) in view of the Smith reference (US 2,219,201). The applicant herein respectfully traverses this rejection.

The Examiner has dismissed the claimed feature of a distance between said two collars being set between 40% and 60% of a diameter of said collars as a mere design choice. However, the Court of Appeals of the Federal Circuit has stated that the finding of "obvious design choice" is precluded where the claimed structure and the function it performs or functioning thereof are different from the prior art. *In re Chu*, 36 USPQ2d 1089 (Fed. Cir. 1995); *See In re Gal*, 980 F.2d 717, 25 USPQ2d 1076 (Fed. Cir. 1992). Furthermore, applicant need not detail such differences in the specification since it is not for the applicant "to divine the rejections the PTO will proffer when patent applications are filed. *In re Chu*. Accordingly, applicant sets forth below the functional differences of the noted feature.

The specification states (at paragraph [0049] of the published application) that "Herein, though the winding ease of the hose can be improved by reducing the distance between the collars of the drum, but if the distance between the collars is

made too small, the drum will become thin and apt to fall down. In view of this factor, repeated experiments have led to a discovery that the two requirements can be made consistent with each other by setting the distance between the collars of the drum to between 40% and 60% of the diameter of the collars. “

The cited references are silent on the issues mentioned above. Accordingly, the references provide no incentive to vary such factors outside those of the materials disclosed therein. As discussed above, the present invention functions in a manner totally different from the cited references. Therefore, it is respectfully submitted that the claimed characteristics cannot be dismissed as a mere “design choice.”

Thus, it is respectfully submitted that the rejected claim is not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of claim 15 and its allowance are respectfully requested.

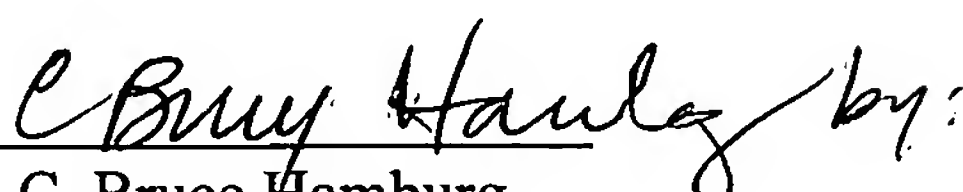
Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$130 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

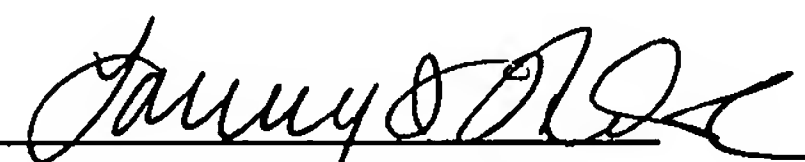
In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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